

From: Neil Prestemon
To: Microsoft ATR
Date: 1/27/02 12:19am
Subject: Mircosoft Settlement

To whom it may concern;

I would like to voice my opinion on the proposed Microsoft settlement to the antitrust lawsuit. I have to say that the proposed settlement on the table today does nothing to address the real issues in this case. The issues that have made Microsoft the monopoly it is, and the danger to existing competition, and any potential future competition. There certainly is not a level playing field in many areas. Though I do not believe that it's the government's job to provide a level playing field, I do believe that the government should do something when we're presented with a situation where the playing field has been rotated 90 degrees, and has become an impenetrable wall to the founding of new businesses and innovation.

The areas of danger are as follows:
Programming API's - Microsoft has a monopoly on programming frameworks for it's Windows platform. Any company that wants to write Windows software almost certainly has no real choice other than to use Microsoft's Visual Studio product, and Microsoft Foundation Classes framework. This is due to actions microsoft has taken against former competitors like Borland, and other OS Vendors. When a competitor is forced to use MFC to write third-party software for Windows, and software in the same market is also written by Microsoft, Microsoft then has a huge and unfair advantage, as undocumented features or programming flaws or misleading documentation within MFC itself can cause a third-party developer to spend far more man-hours acheiving the same degree of quality in their product as Microsoft can achieve, because Microsoft programmers also have access to the Microsoft programmers who wrote MFC, and the documentation. This is not merely a competitive advantage. This kind of advantage could be illustrated by analogy if General Motors sold the ONLY set of components by which any other company could build a car. You'd know that necessarily, GM's cars built with those components would be better than other company's cars built by those components. It's

through their Visual Studio monopoly that Microsoft leverages an unfair advantage to keep third-party companies writing software less efficiently than they do. I believe that Microsoft's API business needs to be spun off into a separate company.

OEM Licensing - Microsoft should be prohibited from having secret agreements with OEMs. It has been proven in court that Microsoft, as the vendor of the Windows platform, uses such agreements to force OEMs into exclusive deals so that computer manufacturers cannot sell their computers pre-loaded with any other operating system.

File Formats - Microsoft should also be forced to fully document formats of their products, and changes in these formats should not be allowed. As it stands today, if a company does its work in Microsoft Office file-formats, they are literally "held captive" by Microsoft, because if they choose to switch to a competing product, they will be forced into a costly migration of the data from the Microsoft format to the third-party format. It is not in Microsoft's interest to write translation tools, at least not translation tools that preserve fully, the features of their products in the translation - and though it would be in the interest of a competing software company to provide compatibility or document translation, there is no way for them presently to do this with any degree of reliability, because some aspects of the file format are poorly documented, and Microsoft often changes these formats in ways that make it impossible for third-party companies to stay on top of them.

Included in "file formats" - should also be Microsoft's protocols, their Kerberos security protocol, (so that consumers can choose third-party LDAP solutions for their Windows networks, instead of being forced to use Microsoft Active Directory), and SMB, their network file-sharing protocol. There currently exists a free-software solution which allows computers of other operating systems to connect with Windows computers, and share files with them. However, Microsoft has changed their SMB protocol several times in an attempt to cause this other solution to no longer be compatible, and to cause the developers to spend time and effort trying to reverse-engineer SMB so they can fix the problems Microsoft creates. Without this solution (called

Samba) it would otherwise be impossible for other operating systems to share files with Windows computers. The lack of a solution compels many IT managers to simply avoid other operating systems and platforms, and go with a pure Windows-only solution.

The most frightening aspects of a Microsoft monopoly lie not in the commercial sector, but in the computing field itself. Never mind the economic damage Microsoft's monopoly has created in crushing many competing software companies - never mind the amount of over charging Microsoft does because they CAN, because there is no other company that can compete with them - never mind the huge labor and hardware costs incurred by Microsoft's customer base due to effort required to work around product defects and poor architectural decisions Microsoft has made - because they CAN, because competing products of higher quality, and lower hardware overhead have all been crushed by Microsoft's monopoly.

The greatest danger is that the US Government relies heavily on Microsoft products, and as such is DEPENDENT on Microsoft to continue providing solutions, and access to data, locked in a proprietary format that cannot be easily or cheaply extracted. The next greatest danger is that of monoculture. In a global computer network, where all computers are Microsoft Windows, they ALL share the same vulnerabilities to viruses and hacker exploits. A monopoly and resulting monoculture in computing is a horrible danger to the security and economic stability of our nation, and even the entire world.

And that is why the government MUST act. Swiftly, and forcefully, to protect it's citizens, and the entire world from this threat. It is the first duty of government to protect. Now that the Department of Justice, and then the US Courts have identified and recognized the threat, it would be folly, and a huge waste of the effort already invested to not act decisively against this threat, before it is too late to stop. Before it encompasses other markets, like home electronics, media, and banking.

If you have any need for me to clarify any of my statements, or if you require further comments, I would be happy to provide them. Please feel free to contact me at this email address at any point.

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